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Attorney Docket No. 26235

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: 1632

ARAV et al.

Examiner: unknown

Serial No.: 10/500,988

Filed: July 7, 2004

Title: **METHODS AND DEVICE FOR FREEZING AND THAWING BIOLOGICAL SAMPLES**

TRANSMITTAL LETTER

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Va 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 citing 5 references;
- (4) European Search Report dated December 1, 2004.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

By: \_\_\_\_\_

Gary M. Nath  
Registration No. 26,965  
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Registration No. 41,194  
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Date: March 9, 2005  
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GMN/JLM/dd/IDS/FR

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Title: METHODS AND DEVICE FOR FREEZING AND THAWING BIOLOGICAL SAMPLES

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. § 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

☒ a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

☐ b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311.

The enclosed statement is accompanied by [check one]:

☐ i. a certification in part (e) below as specified in 37 C.F.R. § 1.97(e), or

☐ ii. a check in the amount required by 37 C.F.R. § 1.17(p).

☐ c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, but before payment of the issue fee.

☐ Certification report(e) below; and

☐ a check in the amount as required by § 1.17(p).

☐ d. The enclosed statement is being filed pursuant to 37 C.F.R. § 1.97(i), for placement in the file.

☐ e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

☐ Appropriate certification is attached.

☒ f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

☒ g. Copies of the documents are attached herewith with a completed Form PTO-1449.

And/or

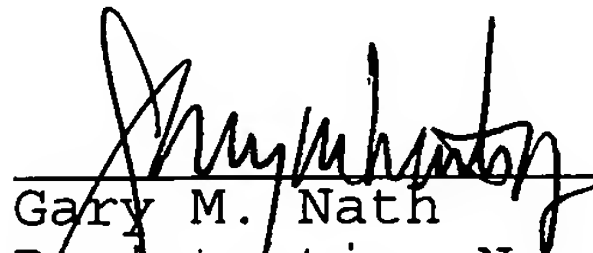
☒ Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as: or Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1. for applications filed after June 30, 2003

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

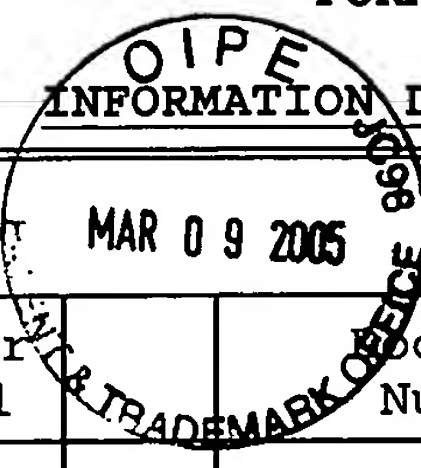
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**NATH & ASSOCIATES**

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Date: March 9, 2005

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FORM PTO-1449 				Atty. Docket 26235		Serial No. 10/500,988	
				Applicant ARAV et al.			
				Filing Date July 7, 2004		Group Art Unit 1632	
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initial		Document Number	Issue Date	Name	Class	Sub- Class	Filing Date
	A	5,873,254	23 Feb 1999	Arav			6 Sep 1996
	B						
	C						
	D						
<b>FOREIGN PATENT DOCUMENTS</b>							
		Document Number	Date	Country	Class	Sub- Class	Trans- lation
	E	01/78504 A2,A3	25 Oct 2001	WIPO			N/A
	F	98/10231 A1	12 Mar 1998	WIPO			N/A
	G	96/21351 A2,A3	18 Jul 1996	WIPO			N/A
	H						
	I						
	J						
	K						
	L						
	M						
<b>OTHER (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	N	POLCZ, Tibor E., et al., "Optimal Utilization of Cryopreserved Human Semem for Assisted Reproduction: Recovery and Maintenance of Sperm Motility and Viability", Journal of Assisted Reproduction and Genetics, Vol. 15, No. 8, PP. 504-512, (September 1998) XPOO1204137.					
	O						
	P						
Examiner				Date Considered			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							